

## **CHAPTER 1 OFFICIAL COUNTY CODE**

### **1-1-1: TITLE**

Upon adoption by the County Board of Supervisors, this County Code is hereby declared to be and shall hereafter constitute the official County Code of the County of Green, State of Wisconsin, and it is hereby published by authority of the County Board of Supervisors and shall be kept up to date as provided in Section 1-1-3 of this Chapter under the direction of the Supervisors. Any reference to the number of any section contained herein shall be understood to refer to the position of the same number, its appropriate chapter and title heading, and to the general penalty clause relating thereto, as well as to the section itself, when reference is made to this County Code by title in any legal document.

### **1-1-2: ACCEPTANCE**

This County Code, as hereby presented in printed form, shall hereafter be received without further proof in all courts and in all administrative tribunals of this State as the ordinances of the County of general and permanent effect, except the excluded ordinances enumerated in Section 1-2-1 of this Title.

### **1-1-3: AMENDMENTS**

Any ordinance amending this County Code shall set forth the title, chapter and section number of the section or sections to be amended, and this shall constitute a sufficient compliance with any statutory requirement pertaining to the amendment or revision by ordinance of any part of this County Code. All such amendments or revisions by ordinance shall be immediately forwarded to the codifiers and the said ordinance material shall be prepared for insertion in its proper place in each copy of this County Code. Each such replacement page shall be properly identified and shall be inserted in each individual copy of the County Code.

### **1-1-4: CODE ALTERATION**

It shall be deemed unlawful for any person to alter, change, replace or deface in any way any section or any page of this County Code in such a manner that the meaning of any phrase or order may be changed or omitted. Replacement pages may be inserted according to the official instructions when so authorized by the County Board. The County official so designated by the County Board shall see that the replacement pages are properly inserted in the official copies maintained in the office of the County Clerk.

Any person having in his/her custody an official copy of this County Code shall make every effort to maintain this Code in an up to date and efficient manner. He/she shall see to the immediate insertion of new or replacement pages when such are delivered to him/her or made available to him/her through the office of the County Clerk. Said Code books, while in actual possession of officials and other interested persons, shall be and remain the property of the County and shall be returned when directed so to do by order of the County Board. (1982 Code)

## **CHAPTER 2 SAVINGS CLAUSE**

### **1-2-1: REPEAL OF GENERAL ORDINANCES AND RESOLUTIONS**

All general ordinances and resolutions of the County passed prior to the adoption of this County Code are hereby repealed, except such as are included in this County Code or are by necessary implication herein reserved from repeal (subject to the saving clauses contained in the following sections), and excluding the following ordinances or resolutions which are not hereby repealed: tax levy; appropriation; ordinances or resolutions relating to boundaries and annexations; franchises and others granting special rights to persons or corporations; contracts and ordinances or resolutions authorizing the execution of a contract or the issuance of warrants; ordinances or resolutions establishing, naming or vacating streets, alleys or other public places; improvement ordinances or resolutions; bond ordinances or resolutions; ordinances or resolutions relating to elections; ordinances relating to the transfer or acceptance of real estate by or from the County; and all special ordinances or resolutions.

### **1-2-2: PUBLIC UTILITY ORDINANCES**

No ordinance or resolution relating to railroads or railroad crossings with streets and other public ways, or relating to the conduct, duties, service or rates of public utilities shall be repealed by virtue of the adoption of this County Code or by virtue of the preceding section, excepting as this County Code may contain provisions for such matters, in which case this County Code shall be considered as amending such ordinances or resolutions in respect to such provisions only.

### **1-2-3: COURT PROCEEDINGS**

No new ordinance or resolution shall be construed or held to repeal a former ordinance or resolution, whether such former ordinance or resolution is expressly repealed or not, as to any offense committed against such former ordinances or resolution or as to any act done, any penalty, forfeiture or punishment so incurred, or any right accrued or claim arising under the former ordinance or resolution, or in any way whatever to affect any such offense or act so committed or so done, or any penalty, forfeiture or punishment so incurred or any right accrued or claim arising before the new ordinance takes effect, save only that proceedings thereafter shall conform to the ordinance or resolution in force at the time of such proceeding, so far as practicable. If any penalty, forfeiture or punishment be mitigated by any provision of a new ordinance or resolution, such provision may be, by the consent of the party affected, applied to any judgment announced after the new ordinance or resolution takes effect.

This Section shall extend to all repeals, either by express words or implication, whether the repeal is in the ordinance or resolution making any new provisions upon the same subject or in any other ordinance or resolution.

Nothing contained in this Chapter shall be construed as abating any action now pending under or by virtue of any general ordinance or resolution of the County herein repealed and the provisions of all general ordinances and resolutions contained in this Code shall be deemed to be continuing provisions and not a new enactment of the same provision; nor shall this Chapter be deemed as discounting, abating, modifying or altering any penalty accrued or to accrue, or as affecting the liability of any person, firm or corporation, or as waiving any right of the County under any ordinance or provision thereof in force at the time of the adoption of this County Code.

#### **1-2-4: SEVERABILITY CLAUSE**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this County Code or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Code, or any part thereof. The County Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective. (1982 Code)

### **CHAPTER 3 DEFINITIONS**

#### **1-3-1: CONSTRUCTION OF WORDS**

Whenever any word in any section of this County Code importing the plural number is used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not have been used. When any subject matter, party or person is referred to in this County Code by words importing the singular number only, or in the masculine gender, several matters, parties or persons and females as well as males and bodies corporate shall be deemed to be included; provided, that these rules of construction shall not be applied to any section of this County Code which contains any express provision excluding such construction or where the subject matter or content may be repugnant thereto.

The word "ordinance" or "resolution" contained in the ordinances and resolutions of the County has been changed in the content of this County Code to "title", "chapter", "section" and/or "subsection" or words of like import for organizational and clarification purposes only. Such change to the County's ordinances and resolutions is not meant to amend the passage and effective dates of such original ordinances and resolutions.

#### **1-3-2: DEFINITIONS, GENERAL**

Whenever the following words or terms are used in this Code, they shall have the meanings herein ascribed to them, unless the context makes such meaning repugnant thereto:

AGENT	A person acting on behalf of another.
BOARD	Unless otherwise indicated, "Board" shall mean the County Board of Supervisors of the County of Green, State of Wisconsin.
CODE	Unless otherwise indicated, the term "Code" shall mean the County Code of Green County, and amendments thereto.
COUNTY	The County of Green, State of Wisconsin.
EMPLOYEES	Whenever reference is made in this Code to a County employee by title only, this shall be construed as though followed by the words, "of the County of Green."

FEE	A sum of money charged by the County for the carrying on of a business, profession or occupation. (1982 Code)
FISCAL YEAR	Green County hereby adopts January 1 and December 31 as the beginning and ending, respectively, of their fiscal year, commencing January 1, 1918. (R11-23-17)
KNOWINGLY	Imports only a knowledge that the facts exist which bring the act or omission within the provisions of this Code. It does not require any knowledge of the unlawfulness of such act or omission.
LICENSE	The permission granted for the carrying on of a business, profession or occupation.
MISDEMEANOR	Any offense for which a sentence to a term of imprisonment in other than a penitentiary for less than one year may be imposed.
NEGLIGENT	The word “negligent”, as well as “neglect”, “negligence” and “negligently” imports a want of such attention to the nature of probable consequences of the act or omission as a prudent person ordinarily bestows in acting in his/her own concern.
NUISANCE	Anything offensive or obnoxious to the health and welfare of the inhabitants of the County; or any act or thing repugnant to, or creating a hazard to, or having a detrimental effect on the property of another person or to the community.
OCCUPANT	As applied to a building or land, this term shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
OFFENSE	Any act forbidden by any provision of this Code or the omission of any act required by the provisions of this Code.
OFFICERS	Whenever reference is made in this Code to a County officer by title only, this shall be construed as though followed by the words, “of the County of Green”.
OPERATOR	The person who is in charge of any operation, business or profession.
OWNER	As applied to a building or land, this term shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.
PERSON	Any public or private corporation, firm, partnership, association, organization, government or any other group acting as a unit, as well as a natural person.
PERSONAL	Every description of money, goods, chattels, effects, evidence of rights in PROPERTY action and all written instruments by which any pecuniary obligation, right or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished and every right or interest therein.

RETAILER	Unless otherwise specifically defined, this term shall be understood to relate to the sale of goods, merchandise, articles or things in small quantities direct to the consumer.
STATE	Unless otherwise indicated, shall mean the State of Wisconsin.
STREET	Alleys, lanes, courts, boulevards, public squares, public places and sidewalks.
SUPERVISORS	The Board of County Supervisors of the County of Green.
TENANT	As applied to a building or land, this term shall include any person who occupies the whole or any part of such building or land, whether alone or with others.
WHOLESALE	The terms “wholesaler” and “wholesale dealer” as used in this Code, unless otherwise specifically defined, shall be understood to relate to the sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale.
WILFULLY	When applied to the intent with which an act is done or omitted, the term “wilfully” implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire an advantage.
WRITTEN, IN WRITING	These terms may include printing and any other mode of representing words and letters, but when the written signature of any person is required by law to any official or public writing or bond required by law, it shall be in the proper handwriting of such person, or in case he/she is unable to write, by his/her proper mark.

### **1-3-3: CATCHLINES OF COUNTY CODE**

The catchlines of the several sections of this County Code are intended as mere catchwords to indicate the content of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted. (1982 Code)

## **CHAPTER 4 GENERAL PENALTY**

### **1-4-1: GENERAL PENALTY**

Any person convicted of a violation of any provision of this County Code shall forfeit a sum not exceeding five hundred dollars (\$500.00), but not to exceed any limitations provided by Wisconsin Statutes.<sup>1</sup>

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<sup>1</sup>WSA §66.115

#### **1-4-2: APPLICATION OF PROVISIONS**

The penalty provided in this Chapter shall be applicable to every section of this County Code the same as though it were a part of each and every separate section. Any person convicted of a violation of any section of this County Code where any duty is prescribed or obligation imposed, or where any action which is of a continuing nature is forbidden or is declared to be unlawful, shall be deemed guilty of a misdemeanor. A separate offense shall be deemed committed upon each day such duty or obligation remains unperformed or such act continues, unless otherwise specifically provided in this County Code.

In all cases where the same offense is made punishable or is created by different clauses or sections of this County Code, the prosecuting officer may elect under which to proceed; but not more than one recovery shall be had against the same person for the same offense; provided, that the revocation of a license or permit shall not be considered a recovery or penalty so as to bar any other penalty being enforced.

Whenever the doing of any act or the omission to do any act constitutes a breach or penalty specifically declared for such breach, the provisions of this Chapter shall apply and a separate offense shall be deemed committed upon each day during or on which a breach or violation occurs or continues.

#### **1-4-3: LIABILITY OF OFFICERS**

No provision of this County Code designating the duties of any officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty provided for a failure to perform such duty, unless the intention of the County Board to impose such forfeiture or penalty on such officer or employee is specifically and clearly expressed in the section creating the duty. (1982 Code)